

REMARKS

Claims 35-50 were pending in the application when the present Office Action was mailed (March 3, 2005). Claim 39 has been amended, and new claims 51-54 have been added. The present amendment also makes minor changes in the specification, and amends Figures 1D and 12B. Accordingly, claims 35-54 are currently pending in the application.

In the non-final Office Action mailed March 3, 2005, claims 35-40, 42, and 45-47 were rejected, with the remaining claims allowed or indicated to be allowable. More specifically, the status of this application in light of the March 3 Office Action is as follows:

- (A) The drawings were objected to under 37 C.F.R. § 1.83(a);
- (B) Claims 35-38 and 40 stand rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement, and claim 47 stands rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention;
- (C) Claims 39, 40, 46, and 47 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 2,360,220 to Goldman ("Goldman");
- (D) Claim 42 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Goldman in view of U.S. Patent No. 4,730,793 to Thurber et al. ("Thurber");
- (E) Claim 45 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Goldman in view of U.S. Patent No. 2,735,391 to Buschers ("Buschers"); and
- (F) Claims 48-50 were indicated to be allowable, with claims 41, 43, and 44 indicated to be allowable if rewritten to be in independent form.

The undersigned attorney wishes to thank the Examiner for engaging in a telephone interview on May 17, 2005 to discuss the present Office Action, the pending claims, and the prior art references. The following remarks summarize and expand

upon the results of the interview, and they also reflect the agreements reached between the undersigned attorney and the Examiner during the interview. For example, the following remarks reflect the Examiner's acknowledgment that the objection to the drawings and the Section 112 rejection of claims 35-38, 40, and 47 should be withdrawn.

A. Reponse to the Objection to the Drawings

The drawings were objected to under Rule 1.83(a) as failing to show every feature of the invention specified in the claims. More specifically, the Office Action stated that the terms "guide means" and "support platform" recited in the claims were not shown in the drawings. As discussed during the May 17 interview, Figures 1D and 12B have been amended to illustrate a track 122a (e.g., a gripper guide path) located on an inner surface of a section 122 of a container 111 in which an unmanned aircraft is stowed. During the May 17 interview, the Examiner also agreed that Figure 11A and corresponding paragraph [0090] of the originally filed specification provide adequate support for the term "support platform." Accordingly, the objection to the drawings should be withdrawn.

B. Response to the Section 112 Rejection of Claims 35-38, 40, and 47

Claims 35-38 and 40 stand rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement, and claim 47 stands rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention. During the May 17 interview, the Examiner agreed that Figures 12A-12E and corresponding paragraph [0095] of the originally filed specification provide adequate support to enable one of skill in the art to make and/or use the invention described in claims 35-38. The Examiner further agreed that the features of claim 40 are adequately disclosed in Figures 11D and 11E and paragraph [0092] of the specification. Finally, the Examiner agreed that the features of claim 47 are not a "double inclusion of elements" as stated in the Office Action. Rather, claim 47 is directed to the apparatus of claim 39 with the inclusion of an unmanned aircraft. Based on the foregoing, the Section 112 rejection of claims 35-38, 40, and 47 should be withdrawn.

C. Response to the Section 102 Rejection of Claims 39, 40, 46, and 47

Claims 39, 40, 46, and 47 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Goldman. The undersigned attorney thanks the Examiner for providing a detailed explanation of his position regarding this reference during the May 17 interview. For at least the reasons explained below, claims 39, 40, 46, and 46 are patentable over Goldman.

Claim 39, as amended, is directed to an apparatus for handling an unmanned aircraft. The apparatus includes a storage apparatus and an aircraft support carried by the storage apparatus and configured to support at least a portion of an unmanned aircraft. The apparatus further includes a movable device carried by the storage apparatus and configured to carry a lifting surface of an unmanned aircraft. The movable device is movable relative to the aircraft support in a constrained manner along a generally linear guide path.

As discussed during the May 17 interview, Goldman is directed to a full-size decoy or dummy airplane that can be stowed in a package or shipping unit. Figure 1 of Goldman discloses the decoy airplane stowed in such a container. The container includes a bottom wall 15, end walls 16, longitudinal side walls 17, and a top or cover wall 18. Each of the walls may be "hingedly connected for quick opening." (Goldman, col. 3, lns. 22-23.) The horizontal and vertical elements 7 and 8 of the empennage are secured against the inner face of the cover 18 by clamps, straps, or other adjustable fasteners, while the remaining portions of the decoy aircraft are secured against other portions of the container.

Claim 39 is patentable over Goldman because this reference fails to disclose several claimed features. More specifically, claim 39 requires that the movable device carried by the storage apparatus is movable relative to the aircraft support "in a contained manner along a generally linear guide path." In contrast, the cover 18 of Goldman is hingedly attached and can move only in a radial direction. As the Examiner acknowledged during the May 17 interview, the "swinging" movement of the cover 18 from a closed position to an open position is not movement "along a generally linear guide path" as required by claim 39. Accordingly, Goldman does not disclose all

the features of claim 39 and, therefore, the Section 102 rejection of claim 39 should be withdrawn.

Claims 40, 46, and 47 depend from base claim 39. As discussed above, claim 39 is allowable. Therefore, claims 40, 46, and 47 are allowable as depending from claim 39, and also because of the additional features of these dependent claims. Accordingly, the Section 102 rejection of claims 40, 46, and 47 should be withdrawn.

D. Response to the Section 103 Rejection of Claim 42

Claim 42 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Goldman in view of Thurber. Claim 42 depends from base claim 39. As discussed above, Goldman fails to disclose or suggest the features of claim 39. Thurber fails to fill the voids of Goldman to support a Section 103 rejection of claim 39. Accordingly, dependent claim 42 is allowable over Goldman and Thurber for at least the reason that these references, either alone or in combination, fail to disclose or suggest the features of claim 39 and the additional features of claim 42. Therefore, the Section 103 rejection of claim 42 should be withdrawn.

E. Response to the Section 103 Rejection of Claim 45

Claim 45 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Goldman in view of Buschers. Claim 45 depends from base claim 39. As discussed above, Goldman fails to disclose or suggest the features of claim 39. Buschers fails to fill the voids of Goldman to support a Section 103 rejection of claim 39. Accordingly, dependent claim 45 is allowable over Goldman and Buschers for at least the reason that these references, either alone or in combination, fail to disclose or suggest the features of claim 39 and the additional features of claim 45. Therefore, the Section 103 rejection of claim 45 should be withdrawn.

F. Reponse to the Indication of Allowable Subject Matter

The applicant thanks the Examiner for allowing claims 48-50. Although the undersigned attorney agrees with the Examiner's conclusion that these claims are allowable, the undersigned attorney notes that the claims may be allowable for reasons

other than those identified by the Examiner and does not concede that the Examiner's characterization of the terms of the claims and the prior art are correct.

Claims 41, 43, and 44 stand objected to as being dependent upon a rejected base claim, but were indicated to be allowable if rewritten in independent form to include all of the features of the base claim and any intervening claims. These claims have been rewritten in the stated form as new claims 51-53, respectively. Accordingly, claims 51-53 are in condition for allowance.

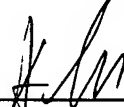
New claim 54 has also been added to the present application. Claim 54 is directed to an apparatus for handling unmanned aircraft that includes, among other features, a moveable device carried by the storage apparatus and configured to carry a lifting surface of an unmanned aircraft in a constrained manner along a guide path toward and away from an assembled position. None of the applied references appear to disclose or suggest this combination of features.

Conclusion

In view of the foregoing, the pending claims comply with 35 U.S.C. § 112 and are patentable over the applied art. The applicant respectfully requests reconsideration of the application and a mailing of a Notice of Allowance. If the Examiner has any questions or believes a telephone conference would expedite prosecution of this application, the Examiner is encouraged to call the undersigned at (206) 359-3982.

Respectfully submitted,

Perkins Coie LLP



Aaron J. Poledna

Registration No. 54,675

Date: 6/3/05

Correspondence Address:

Customer No. 25096

Perkins Coie LLP

P.O. Box 1247

Seattle, Washington 98111-1247

(206) 359-8000

Amendments to the Drawings:

Enclosed herewith are amended versions of Figures 1D and 12B, illustrating a track (e.g., a gripper guide path) on an inner surface of a section of a container in which an unmanned aircraft is stowed. In accordance with the Office's revised format, these drawings have each been labeled "Replacement Sheet."